

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:05CR388
vs.)	
)	ORDER
JOHN J. BLACK, JR.,)	
)	
Defendant.)	

Defendant John J. Black, Jr. (Black) appeared before the court on August 26, 2008, on the Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 41). Black was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Maria R. Moran. Through his counsel, Black waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause and that Black should be held to answer for a final dispositional hearing before Chief Judge Joseph F. Bataillon.

The government moved for detention. Through counsel Black proffered a release plan but presented no evidence. Since it is Black's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Black has failed to carry his burden and that Black should be detained pending a dispositional hearing before Chief Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 2:30 p.m. on September 12, 2008**. Defendant must be present in person.
2. Defendant John J. Black, Jr. is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 26th day of August, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge